

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Detroit District March 8, 2006

FILE NUMBER: 06-145-006-0

PROJECT REVIEW/DETERMINATION COMPLETED: In the office N Date:
(Y/N)

At the Y Date: February
project site 22, 2006
(Y/N)

PROJECT LOCATION INFORMATION:

State: Indiana
County: Lake
Center coordinates of site by latitude & longitude coordinates: lat:41-27-44.1360
lon:87-15-39.5280
Approximate size of site/property (including uplands) in acres 55 acres
Name of waterway or watershed: Deep River

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands			X						
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			Yes		
Is or would be used as habitat by other migratory birds that cross state lines?			Yes		
Is or would be used as habitat for endangered species?			Yes		
Is used to irrigate crops sold in interstate commerce?				Yes	
¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.					

TYPE OF DETERMINATION: **Approved X**

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

Wetlands G and H were connected to waters of the U.S. by two separate intermittent drainage ways located on the southeast portion of the property. The first drainage way flowed from Wetland G along a roadside ditch to the wetland/lake located south of the property next to Grandview Blvd. The second drainage way flowed from wetland H under Grandview Blvd. to the east, and then turned south to the wetland/lake located southeast of the property in question. Each of these intermittent drainage ways (flowing from wetlands G and H) and located on either side of Grand Blvd., flowed to a nearby lake/wetland complex located approximately 0.25 mile southeast of the property, which was connected to an intermittent drainage way, which flowed to an Unnamed Tributary to the Deep River, which is a tributary to Burns Ditch, which is a tributary to the Little Calumet River, a navigable water of the United States. I also noted that portions of wetlands A, D and H continued off-site onto neighboring properties.